

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the IRON WORKERS
TRI-STATE WELFARE FUND

Plaintiffs,

v.

AREA ERECTORS, INC.

Defendant.

Case No. 11 C 1339

Judge Cox

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court to enter judgment in favor of the Plaintiffs and against the Defendant and in support state:

1. On January 23, 2012 this case was dismissed with leave to reinstate pursuant to the settlement of the parties.
2. On January 11, 2012, the Plaintiffs and Defendant entered into a settlement agreement, whereby the Defendant was to pay \$320,198 in partial payments, ***Exhibit A Settlement Agreement and Release ¶2***. If the Defendant defaulted on the settlement payments or failed to stay current in its monthly ERISA reporting and payment obligations, the Plaintiffs retained the right to reinstate this case and enter judgment for amounts due under the agreement, ¶6. (Exhibit B, Declaration of Daniel P. McAnally)
3. The Defendant paid \$96,057 towards the settlement but failed to pay the balance owed on the settlement agreement. The balance of contributions owed is \$224,141. (Exhibit B)
4. As a result of the breach Plaintiffs are entitled to have a judgment entered in its favor for the balance owed on the settlement , plus accrued liquidated damages at 1.5% per month, attorney fees of \$9,355 and any additional attorney fees incurred by the Trust Funds as a result of enforcing this Agreement, Exhibit A, ¶3 ¶6.

5. The contributions of \$224,141 were due for the period January 2011 through September 2011, ¶2. The liquidated damages assessed at 1.5% per month is \$3,362. The liquidated damages owed for the period October 2011 through June 2012 are \$26,896 (8 months x \$3,362). (Exhibits A,B)

6. As a result of the breach, the Defendant also owed attorney fees of \$9,355 and any additional attorney fees incurred by the Trust Funds as a result of enforcing this Agreement, ¶3. The additional attorney fees incurred in enforcing the settlement agreement total \$5,716.25. (Exhibit B)

7. The Plaintiffs total claim is \$264,108 broken down as follows:

- | | | |
|----|-----------|--|
| a) | \$224,141 | (contributions) |
| b) | \$26,896 | (liquidated damages) |
| c) | \$9,355 | (attorney fees / settlement agreement) |
| d) | \$3,716 | (attorney fees / enforcement) |

WHEREFORE, Plaintiffs pray that for entry of judgment in favor of the Plaintiffs and against the Defendant for **\$264,108**.

Respectively submitted,

s/ DANIEL P. McANALLY
Attorney for Plaintiffs

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